REMARKS

The present response intends to be fully responsive to all points of objections and/or rejections raised by the Examiner and are believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1- 39 have been cancelled.

Claims 40 - 42 are pending in the application.

Claims 40 – 42 are currently amended, as shown in page 3 of this response.

AMENDMENTS TO THE CLAIMS

Please amend, without prejudice, the claims to read as shown in page 3 in this communication:

35 U.S.C. § 103(a) Claim Rejections

On Pages 2-5 of the Office Action, in Paragraphs 2-5 the Examiner has rejected claims 40 - 42 under 35 U.S.C. §103(a) as being anticipated by Johnson et al. US Patent No. 6,497,599 ("**Johnson**") in view of Xu et al. US Patent No. 6,501,732 (**Xu**").

1. One of the novel features of the current invention is having a consideration-related policy database over the Internet that according to this database the gateways' controllers connect devices to the Internet. This consideration-related policy database is separate from the gateways.
2. A gateway is connected through a first interface to the Internet, while the consideration-related policy database is connected through a second interface to the Internet.
3. In Johnson et al., a database is actually a part of every gateway (as read by the examiner, see applicant responses dated May 20, 2007 and June 29, 2008), and as such it is connected to the data network through the same Interface as the gateway.
4. It is a similar situation with Xu et al. in which the consideration-related policy database (as read by the examiner) is also part of the controller (and thus the gateway). Both the gateway and the consideration-related policy database are connected to the data network through the same interface (the gateway's interface to the Internet).
5. The claims are therefore amended to further distinguish the novel features from prior art – by further limiting the claims in such a way that the consideration-related policy database is connected to the Internet through an interface **separated than the gateway's interface to the Internet**, thus placing the application in condition for allowance.

The amended claims are as follows:

40. (**Currently amended**) A gateway to a ~~packet~~ packet-based data network comprising:

A transceiver adapted to establish a radio frequency link with a mobile device;

A first ~~n~~-interface adapted to facilitate data flow between the mobile device and the data network; and

A controller adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration related policy database, which is connected to the data network through a second interface.

41. (**Currently amended**) A communication system comprising:

A consideration-related policy database connected to a packet based data network through a second Interface, two or more gateways functionally associated with a packet based data network, wherein each gateway comprises:

A transceiver adapted to establish a radio frequency link with a mobile device;

A first~~n~~ interface adapted to facilitate data flow between the mobile device and the data network; and

A controller adapted to regulate data flow between the mobile device and the data network based on information stored on the~~a~~ consideration related policy database.

42. (**Currently amended**) A method of providing data to a mobile device comprising:

Establishing a data link between the mobile device and a radio frequency transceiver functionally associated with a packet based data network through a first interface;

Regulating data between the mobile device and the packet based data network based on information stored on a consideration related policy database which is connected on the data network through a second interface.

In distinction to **Johnson**, and in addition to all applicant arguments in his response to the previous office action dated May 20, 2007 and June 29, 2008, the applicant argues that the present invention and amended claims disclose a gateway (claim 40), a communication system (claim 41) and a method (claim 42), all of them have the final limitation that the "**information stored on a consideration-related policy database, which is connected to the data network through a second Interface**".

The following is an example to show the relevancy of this specific limitation "**which is connected to the data network through a second interface**". Assume a gateway that allows a user to connect through it to the Internet. In this invention we do not assume that the gateway has the criteria to decide who is eligible to connect through the gateway. This invention has the limitation (feature) that the gateway's criteria is located somewhere in the Internet and is "**based on information stored on a consideration related policy database which is connected to the data network through s second interface**" and not in the gateway or its controller. Such a feature is not disclosed, taught or suggested by **Johnson et al. or Xu** et al..

The Applicant has carefully reviewed the cited prior art, namely **Johnson** et al (US 6,497,599) and **Xu** et al (US 6,501,732). These cited prior art do not disclose, teach or suggest any of the amended claims 40 through 42.

In view of the foregoing remarks, the amended claims 40 through 42 should be considered allowable, and their allowance is respectfully requested.

Respectfully submitted,

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